

The effective filing date of Liu under 35 U.S.C. § 102(e) as applied to 35 U.S.C. § 103 is August 24, 2001. Applicant submits herewith a Declaration pursuant to 37 C.F.R. § 1.131 to establish actual reduction to practice of the invention claimed in claims 54-75 prior to August 24, 2001, and therefore believes that Liu is not an effective reference against the Application. It is urged that the rejection of claims 54-65 and 71-75 has been overcome.

Second Rejection.

Claims 66 - 70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shrote, U.S. Patent No. 5,774,358 in view of Matsuba et al., U.S. Patent No. 6,467,078 and Liu, U.S. Publication 20030158720. This rejection is respectfully traversed. It is urged that Liu is not a reference against the Application for the reasons given above, and that this rejection has been overcome.

CONCLUDING MATTERS

Applicant respectfully requests that this response and the Declaration under Rule 131 be considered. As Liu was introduced for the first time in the instant Official Action, Applicant has had no prior opportunity to address this reference.

It is believed that the response herein is fully responsive to all the grounds of rejection and objections raised by the Examiner, and imposes no further search burden. Applicant earnestly solicits a Notice of Allowance.

Respectfully submitted,

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